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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

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8 JAKE BOGDON,  
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10 Plaintiff,  
11 v.  
12  
13 NEWMONT USA LIMITED, D/B/A Newmont  
14 Mining Corporation, A Delaware corporation  
15 doing business in the State of Nevada,  
16  
17 Defendant.

18 2:11-cv-0258-LDG-GWF

19 **ORDER**

20 Plaintiff Jake Bogdon brought this action against Newmont USA Limited (“Newmont”)  
21 alleging violations of state and federal overtime laws. Newmont has filed a motion to dismiss  
22 arguing that Bogdon’s Complaint is factually insufficient (#9, opp’n #13, reply #14). Bogdon  
23 opposes Newmont’s motion and maintains that he has sufficiently pled his claims. Newmont’s  
24 reply correctly suggests that the additional facts necessary to Bogdon’s opposition further illustrate  
25 the insufficiency his Complaint.

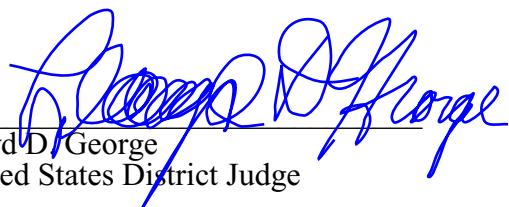
26 Newmont has also filed a motion to transfer this case to the northern division in Reno  
pursuant to LR IA 8-1(c) and 28 U.S.C. § 1404(a) (#10, non-opp’n #11). Newmont requests this  
transfer based on the convenience of the parties and the anticipated witnesses. Accordingly,

27 THE COURT HEREBY ORDERS that Newmont’s motion to dismiss (#9) is GRANTED.  
28 Bogdon may file an amended complaint within thirty days (30) of this order.

29 THE COURT FURTHER ORDERS that Bogdon’s motion for attorneys’ fees (#13) is  
30 DENIED.

1 THE COURT FURTHER ORDERS that Newmont's motion to transfer the case to the  
2 northern division (#10) is GRANTED. The undersigned will continue to preside over this matter.  
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5 DATED this 3 day of May, 2011.

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7 Lloyd D. George  
8 United States District Judge

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